



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**



**TUESDAY, THE 1st DAY OF SEPTEMBER 2026
PRESENT
THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

**IA No.2 OF 2026
IN
COMMERCIAL SUIT NO: 15/2026**

Between:

Asas Shipping L.L.C, A company incorporated under the laws of the United Arab Emirates, having its office at 0-3402, 37-0, Trade Center First, Burj Al Salam Dubai, UAE. Through its authorised signatory, Mr. V. Venugopala Rao.

...Plaintiff

AND

1. MT Spetsa (IMO 9337004), and her owners and/or managers and/or master and/or all other persons concerned interested in her, a Liberian flagged vessel, together with her hull, tackle, engines, gears, plant, machinery, articles, things, apparel, equipment, stores and paraphernalia on board, presently lying at Visakhapatnam Port, in the territorial waters of India, within the Admiralty Jurisdiction of this Hon'ble Court.
2. The Port Officer, Visakhapatnam Port and Harbour, Visakhapatnam, Visakhapatnam District, Andhra Pradesh - 530001.

...Defendants

Counsel for the Plaintiff:

Sri B.Adhinarayana Rao, learned Senior Counsel assisted by Sri Sai Sanjay Suraneni

Counsel for the Defendants:

Petition under Order 39 Rule 1 & 2 R/w Section of 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition,

accompanying affidavit, it is therefore prayed that pending hearing and disposal of the suit, Defendant No. 1-Vessel MT Spetsa (IMO 9337004) along with her hull, tackle, boats, machinery, appurtenances and all other paraphernalia, presently at the port and harbor of Visakhapatnam, within the territorial waters over which this Hon'ble Court exercises jurisdiction be arrested and detained under the orders of this Hon'ble Court and/or be restrained by an order of injunction of this Hon'ble Court from sailing out of the port and harbor of Visakhapatnam Port, Andhra Pradesh and/or moving out of the waters over which this Hon'ble Court exercises admiralty jurisdiction, pending disposal of COMMERCIAL SUIT No.15 of 2026, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be compiled with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

Heard Sri B.Adhinarayana Rao, learned Senior Counsel assisted by Sri Sai Sanjay Suraneni, learned counsel for the plaintiff.

The case of the plaintiff is that plaintiff entered into an agreement dated 05.12.2025 for transporting goods of the plaintiff through 1st defendant vessel with a freight of USD 8,425,000 for the voyage from Ust Luga to West Coast India. In view of the cancellation of the agreement in respect of the second voyage, the plaintiff was constrained to incur an expenditure of USD 19,600,000 towards chartering another vessel, namely, MT Antiqua.

Learned Senior Counsel for the plaintiff submits that the 1st defendant vessel violated the terms of the agreement dated 05.12.2025 by cancelling the agreement on the ground of war risk by placing reliance on Clause 39.2 of BPVOY4. As per the agreement dated

05.12.2025, certain clauses in BPVOY4 were modified or deleted. Clause 39 of BPVOY4 was deleted in the agreement with certain substitutions. The owner of the vessel had cancelled the agreement apart from placing reliance on Clause 39.2 of BPVOY4 and Clause (b) of BIMCO War Risks Clause for Voyage Charter Parties 2025 (VOYWAR 2025) - Ex.Y which is akin to Clause 39.2 of the BPVOY4 which was expressly deleted in the agreement dated 05.12.2025. The Addendum No.1 dated 21.01.2026 which is meant for the 2nd consignment, is nothing but extension of earlier agreement dated 05.12.2025 wherein all the terms, conditions and exceptions of the charter party dated 05.12.2025 were remained unaltered and were in full force. Thus, the defendant had invoked clause 39.2 of BPVOY4 contrary to the terms of agreement.

Learned Senior Counsel for the plaintiff further submits that even as on the date of the initial agreement and addendum, the war risk was very much in existence and the plaintiff had paid an Additional War Risk Premium (AWRP) of about USD 126,000 (Ex.O) and proceeded with the transportation of goods under the said agreement dated 05.12.2025. Learned Senior Counsel further contended that the concerned port had already been situated in a war zone much prior to the execution of the said agreement and that the parties were fully aware of the said circumstances at the time of entering into the agreement. The communication between the plaintiff and owner of the defendant vessel clearly reveals that the parties have even ascertained the expected date of arrival of the vessel to the port for loading the goods and as on the said date i.e., 31.03.2026, the port was in operation. But the cancellation is only an afterthought to take advantage of the situation. Plaintiff also placed material in support of the said contention regarding vessel movement at the port as on the said date.

Learned counsel further submits that the invocation of Clause 39.2 relating to war risk was only with a view to have an undue advantage to the defendant vessel, in view of the escalation in freight charges

consequent upon the war between Ukraine and Russia and the war between the USA and Iran. As a result, the plaintiff had to incur additional expenses as mentioned in the plaint which constitutes a maritime claim under Section 4(1)(g) and 4(1)(h) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.

Learned counsel for the plaintiff further submits that the material placed on record, particularly Ex.X, establishes that the 1st defendant vessel is within the admiralty jurisdiction of this Court and the documents placed on record prima facie establish the existence of a maritime claim against the 1st defendant vessel.

Learned counsel finally submits that, if the vessel is permitted to leave the 2nd defendant - port, the plaintiff would suffer irreparable loss and hardship.

Considering the submissions made by the learned counsel for the plaintiff and on perusal of the record, this Court is of considered opinion that the plaintiff prima facie established the existence of maritime claim against the defendant vessel and failure to arrest the vessel is likely to cause irreparable loss and injury to the plaintiff.

In view of the above, warrant of arrest is issued against 1st defendant vessel, to arrest the 1st defendant vessel together with her hull, tackle, boats, machinery, appurtenances and all other paraphernalia, at present lying at the 2nd defendant port, until security is provided for USD 11,475,000 before the Registrar (Judicial) of the High Court of Andhra Pradesh within forty eight (48) hours from the date of service of notice.

2nd defendant is directed to effect the arrest of the 1st defendant vessel as directed above.

Learned counsel for the plaintiff is permitted to take out personal notice to the defendants through speed post and also through e-mail and file proof of service in the Registry.

Sd/- V.SATYANARAYANA
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Registrar (Judicial), High Court of Andhra Pradesh at Amaravati
2. The Principal District Judge, Visakhapatnam, Visakhapatnam **(by Speed Post along with a copy of petition and affidavit)**
3. MT Spetsa (IMO 9337004), and her owners and/or managers and/or master and/or all other persons concerned interested in her, a Liberian flagged vessel, together with her hull, tackle, engines, gears, plant, machinery, articles, things, apparel, equipment, stores and paraphernalia on board, presently lying at Visakhapatnam Port, in the territorial waters of India, within the Admiralty Jurisdiction of this Hon'ble Court.
4. The Port Officer, Visakhapatnam Port and Harbour, Visakhapatnam, Visakhapatnam District, Andhra Pradesh - 530001. **(Addressees 3 & 4 by Speed Post/E-mail/Whats app)**
5. One CC to SRI. SAI SANJAY SURANENI Advocate [OPUC]
6. The Section Officer, O.S Section, High Court of Andhra Pradesh, Amaravati
7. One spare copy

PSR

HIGH COURT

BM,J

DATED:01/09/2026

NOTE: LIST ON 03.11.2026.

ORDER

IA No.2 OF 2026

IN

COMMERCIAL SUIT NO: 15/2026

DIRECTION





**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**



TUESDAY, THE 1st DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

IA No.2 OF 2026

IN

COMMERCIAL SUIT NO: 15/2026

Between:

Asas Shipping L.L.C, A company incorporated under the laws of the United Arab Emirates, having its office at 0-3402, 37-0, Trade Center First, Burj Al Salam Dubai, UAE. Through its authorised signatory, Mr. V. Venugopala Rao.

...Plaintiff

AND

1. MT Spetsa (IMO 9337004), and her owners and/or managers and/or master and/or all other persons concerned interested in her, a Liberian flagged vessel, together with her hull, tackle, engines, gears, plant, machinery, articles, things, apparel, equipment, stores and paraphernalia on board, presently lying at Visakhapatnam Port, in the territorial waters of India, within the Admiralty Jurisdiction of this Hon'ble Court.
2. The Port Officer, Visakhapatnam Port and Harbour, Visakhapatnam, Visakhapatnam District, Andhra Pradesh - 530001.

...Defendants

Whereas Petition under Order 39 Rule 1 & 2 R/w Section of 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, accompanying affidavit, it is therefore prayed that pending hearing and disposal of the suit, Defendant No. 1-Vessel MT Spetsa (IMO 9337004) along with her hull, tackle, boats, machinery, appurtenances and all other

paraphernalia, presently at the port and harbor of Visakhapatnam, within the territorial waters over which this Hon'ble Court exercises jurisdiction be arrested and detained under the orders of this Hon'ble Court and/or be restrained by an order of injunction of this Hon'ble Court from sailing out of the port and harbor of Visakhapatnam Port, Andhra Pradesh and/or moving out of the waters over which this Hon'ble Court exercises admiralty jurisdiction, pending disposal of COMMERCIAL SUIT No.15 of 2026, on the file of the High Court.

And whereas the court upon perusing the suit and the affidavit filed in support thereof and upon hearing the arguments of Sri **Sai Sanjay Suraneni**, Advocate for the Plaintiff, directed the Registry to issue warrant of arrest against the 1st Defendant vessel by name MT Spetsa (IMO 9337004), and her owners and/or managers and/or master and/or all other persons concerned interested in her, a Liberian flagged vessel, together with her hull, tackle, engines, gears, plant, machinery, articles, things, apparel, equipment, stores and paraphernalia on board, presently lying at Visakhapatnam Port, in the territorial waters of India, within the Admiralty Jurisdiction of this Hon'ble Court.

Therefore, You viz;

The Port Officer, Visakhapatnam Port and Harbour, Visakhapatnam, Visakhapatnam District, Andhra Pradesh - 530001.

are hereby directed to arrest the 1st defendant vessel by name MT Spetsa (IMO 9337004), together with her hull, tackle, boats, machinery, appurtenances and all other paraphernalia, at present lying at the 2nd defendant port, until security is provided for USD 11,475,000 before the Registrar (Judicial) of the High Court of Andhra Pradesh within forty eight (48) hours from the date of service of notice.

You are also directed to return this warrant as early as possible with a detailed report, preferably on or before 03.11.2026, stating the manner in which it has been executed.

Herein fail not.

V. Satyanarayana
01/09/2026

JOINT REGISTRAR

To,

- 1. The Registrar (Judicial), High Court of Andhra Pradesh at Amaravati.**
- 2. The Principal District Judge, Visakhapatnam, Visakhapatnam District. (by Speed Post/ Whats app/E-mail)**
- 3. The Port Officer, Visakhapatnam Port and Harbour, Visakhapatnam, Visakhapatnam District, Andhra Pradesh - 530001. (By Speed Post/Whats app/E-mail)**
- 4. One spare copy**

PSR

HIGH COURT

BM,J

DATE:01.09.2026.

NOTE: LIST ON 03.11.2026.

ORDER

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WARRANT OF ARREST

